(B) Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHATTISGARH)

WRIT PETITION NO. 4998 /2005

PETITIONER

K.S.SHRIMALI
S/o Nathu Ram Shrimali
Aged about 61 years
R/o No. Government Basic Training Institute Nagri, Dist. Dhamtari, (C.G.)

5027/05
P.R. No.....
Presented by Shri Anand Shukla
dated 22/9/05

VERSUS

RESPONDENT

1. State of Chhattisgarh
Through Secretary, School Education Department,
D.K.S. Bhavan, Raipur (C.G.)

2. Under Secretary,
School Education Department,
Raipur

3. Distt.Education Officer,
Dhamtari (C.G.)

WRIT PETITION UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA

(94)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4998 of 2005

Petitioner K. S. Shrimali
Versus
Respondents State of Chhattisgarh & others
SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri A. K. Shukla, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents.

ORDER

(Passed on this 1st day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Principal in the B.T.I. Nagri, District-Dhamtari was transferred to Magarlod, within the same district, on the same terms and conditions vide impugned transfer order dated 5.9.2005 (Annexure P/2).
2. This Court vide interim order dated 20.10.2005 stayed the effect and operation of the impugned transfer order. By virtue of the interim order the petitioner has continued at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. Consequently, M(W)P No. 4038/2005 stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur